IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
SUMMONS FOR JUDGMENT NO.1 OF 2005
IN
SUMMARY SUIT NO.3111 OF 2004

M/s.Paptex Trading Private Ltd. ...Plaintiff.

V/s.

M/s. J.P.Trading Co. & Ors. ...Defendants.

Ms.Neeta Solanki i/b Kiran Jain & Co. for the Plaintiff.
Mr.Gautam Mehta a/w Z.A.Jariwala i/b M/s. Jari & Asso. for the Defendants except 3.

CORAM: S.U.KAMDAR,J.
DATE : 11th October, 2005.
P.C.:

1. The present Suit is arising out of two bills of exchange of Rs.1 lakh with interest thereon. Bills of exchange are duly signed by the director of Defendant No.6-Company. Defendant No.6 is also partner of the first Defendant. The learned Advocate appearing for the Defendants excluding the third Defendant contended that the Bill of Exchange has been collusively drawn by one of the directors of the Defendant No.6-Company. He has further drawn my attention to the Affidavit in Reply under which he has claimed that the said director, namely, Aditya Sekhsaria has withdrawn the amount. In my opinion, dispute which has arose has nothing to do with the Plaintiff herein. However, in my view, there is no substantial

material in respect of the aforesaid contentions though the amount covered by said Bill of Exchange has been paid. In that view of the matter, I grant Defendants leave to defend on depositing a sum of Rs.2 lakhs within a period of 4 weeks, failing which Plaintiff will be entitled to decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.

(S.U.KAMDAR,J.)